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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,623	01/17/2001	Sadami Okada	128799	5313

25944 7590 11/17/2006

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EXAMINER

THOMPSON, JAMES A

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,623

Applicant(s)

OKADA ET AL.

Examiner

James A. Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006 and 31 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-15 and 17-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-15 and 17-29 is/are allowed.
- 6) ☐ Claim(s) 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>20060912</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 31 July 2006 have been fully considered but they are not persuasive. Applicant's arguments of 31 July 2006 are based on the recitation of the claims before the amendment to the claims filed 01 September 2006, and are therefore no longer relevant to the presently recited claims. As to the arguments with respect to the request for an interview after final rejection, Examiner respectfully directs Applicant's attention to MPEP §713.09 ["Interviews merely to restate arguments of record ... should be denied"]. The previous request for interview merely set forth arguments already presented. A later interview which was granted and held on 12 September 2006 has helped to expedite prosecution, as evidenced by the present Notice of Allowability.

2. Applicant's arguments, see pages 14-17, filed 01 September 2006, with respect to the rejections of the claims have been fully considered and are persuasive. The present amendments to the claims overcome the prior rejections to the claims. Thus, the rejections of the claims have been withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 30-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 30 and 31 each recite "A computer-readable medium on which an image processing program is recorded, for reproducing a file generated by an image recording apparatus, the image recording apparatus having:". The preamble of claims 30 and 31 are initially directed to a computer-readable medium with an image processing program recorded upon said medium. However, the individual elements recited as limitations in claims 30 and 31 are elements of an image recording apparatus. If Applicant intends to recite an image recording apparatus in claims 30 and 31, then such should be clear in the preamble. If Applicant intends to recite a computer-readable medium in claims 30 and 31, then clearly different limitations than those presently recited would be required. Claims 30 and 31, as presently written, do not clearly recite either a computer-readable medium or an image recording apparatus. Therefore, in claims 30 and 31, Applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 32-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 32 and 33 each recite "An image reproducing method for reproducing a file generated by an image recording apparatus, the image recording apparatus having:". The preamble

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of each of claims 32 and 33 are initially directed to an image reproducing method. However, the individual elements recited as limitations in claims 32 and 33 are elements of an image recording apparatus. If Applicant intends to recite an image recording apparatus in claims 32 and 33, then such should be clear in the preamble. If Applicant intends to recite an image reproducing method in claims 32 and 33, then clearly different limitations than those presently recited would be required. Claims 32 and 33, as presently written, do not clearly recite either an image reproducing method or an image recording apparatus. Therefore, in claims 32 and 33, Applicant fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Allowable Subject Matter

6. Claims 1-4, 6-15 and 17-29 are allowed.

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 12, 23, 25, 27 and 29 each recite (1) that input image data is converted into primary data having an N-bit range, (2) that said input data is also converted into secondary data having an M-bit range ($M > N$), (3) that tertiary data is calculated based on the dissimilarity between said primary data and said secondary data, and (4) that said primary data and said tertiary data is recorded. Examiner has not found all four limitations either within a single prior art reference or within multiple references in such a way that all four limitations would have been obvious to one of ordinary skill in the art at the time of the invention.

The closest prior art found are the prior art references already of record, namely Katayama (US Patent 5,537,496), Ball (*Sams Teach Yourself Linux in 24 Hours*, by Bill Ball and Stephen Smoogen, copyright 1998, Sams Publishing and Red Hat Press), Imai (US Patent 6,038,369), and Hayashi (US Patent 5,754,683). The present amendments to the claims have overcome these references and no other references have been discovered which either anticipate the claims or render the claims obvious to one of ordinary skill in the art at the time of the invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

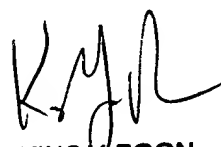
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



06 November 2006

James A. Thompson
Examiner
Technology Division 2625



KING Y. POON
PRIMARY EXAMINER